

be filled by reemployment, transfer, demotion, or from eligibles certified by the City Manager or the Manager's designee from an appropriate employment or promotional list, if available.

(b) Whenever the City Manager determines that a vacancy in a class description in Appendix "A" of this Memorandum of Understanding is to be filled, the City Manager shall determine the availability of employees for reemployment, requests for transfers, or demotion, and of eligibles on employment or promotional lists for the class.

(c) The City Manager shall certify the eligibles available to fill the vacancy by reinstatement, transfer, or demotion or from a promotional or employment list.

Section 9.2 Order of Certification

Whenever certification is to be made, the employment lists, if each exists, shall be used in the following order: reemployment list, promotional list, open-competitive list. Whenever there are fewer than three names on a promotional list or an open-competitive list, the City Manager may make an appointment from among such eligibles or may establish a new list.

Section 9.3 Nepotism

(a) No person shall be appointed to a position in a classification set forth in Appendix "A" if a member of the immediate family of such person is employed within the same department to which such position is assigned if the City Manager determines, within his/her sole discretion, that a) (1) for business reasons of supervision, safety, security, or morale, it would be inappropriate to place one such person under the direct supervision of the other; and (2) the appointment cannot be made without one employee being under the supervision of the other; or b) the placement of both persons in the department involves potential conflicts of interest greater for persons so related than for non-related persons, and that such conflicts cannot be resolved by control of duty assignments.

(b) If such appointment is made, the employees involved shall be assigned, if possible, so that one is not under the direct supervision of the other, or employed to work in conjunction with the other under ordinary circumstances.

(c) If, due to marriage or otherwise, persons employed in the same department become members of an immediate family, the City Manager shall, to the extent possible, assign such persons to duties in such manner that neither is under the direct supervision of the other, and neither is assigned to work in conjunction with the

other under ordinary circumstances.

(d) For purposes of this section, "immediate family" includes father, mother, brother, sister, spouse, domestic partner, child, mother-in-law, mother of domestic partner, father-in-law, father of domestic partner, grandparents, grandchild, great-grandparents, great-grandchild, step-child, child of domestic partner, foster child, and step-parents.

(e) Prior to making any determination pursuant to subsection (a), or any assignment pursuant to subsection (c), the City Manager shall consult with the Bargaining Unit.

Section 10. Probation Period

Section 10.1 Length of Probationary Period

All regular and promotional appointments to the classifications of this bargaining unit set forth in Appendix "A" shall be tentative and subject to a probationary period of one year from the date of probationary appointment or promotion.

Reinstatements may be subject to an optional probationary period. This option can be exercised by the City Manager when the Manager deems it necessary.

This optional probationary period can last up to but never exceed one year. Reemployment employees shall be required to fulfill any remaining part of a probationary period that was in progress at the time the individual was placed on the reemployment list.

Section 10.2 Objective of Probationary Period

The probationary period shall be regarded as a part of the testing process and shall be utilized for close observation of the employee's work, for securing the most effective adjustment of a new employee to a position, and for rejecting any probationary employee whose performance does not meet the required standards of work.

Section 10.3 Appointment or Rejection of Probationer

(a) During the probationary period an employee may be rejected at any time by the City Manager without cause, without hearing, and without the right of appeal.